



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 17, 2005**

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21-05

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, October 17, 2005, at 9:45 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, was absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Angela Schauweker, Management Analyst, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER

1. MOMENT OF SILENCE (9:49 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of William Hambley, a long-time member of the community, who recently died.

Supervisor Smyth asked everyone to keep in thoughts the family of Jonathan Berry, a young man who worked with the Stormwater Management Division, Department of Public Works and Environmental Services, and was a member of the County crew involved in the demonstration project at the Providence District office. He tragically died after an accident.

Supervisor Hudgins asked everyone to keep in thoughts the family of Air Force Lieutenant Sarah Small, a 1998 graduate of Oakton High School and the daughter of William and Gloria Small of Herndon, who was killed in Egypt at the end of September. In addition, Supervisor Hudgins noted that the community of Vienna lost a long-time resident in Ms. Margaret Russo, an internationally-famous tennis player who became a citizen of the United States this past summer. She also asked everyone to keep in thoughts the family of Ms. Taylor Behl of the McLean community who was tragically murdered. Lastly, she stated that Mr. Mayo Stuntz, the County's well-known historian, celebrated his 90th birthday on Saturday and wished him a happy birthday.

Supervisor Hyland asked everyone to keep in thoughts a giant in the Mount Vernon community in the form of Colonel Joseph Adinaro, who labored for years reaching out to help those less fortunate. Colonel Adinaro was one of the founders of Good Shepherd Housing, a former Redevelopment and Housing Authority representative, and will be remembered for showing others the difference one person could make. Supervisor Hyland noted that services for Colonel Adinaro were today and he would be leaving to attend the funeral.

2. ORDERS OF THE DAY (9:48 a.m.)

Chairman Connolly announced that appointments to Boards, Authorities, Commissions, and Advisory Groups would be deferred until after Supervisor Hyland returned from the funeral.

AGENDA ITEMS

3. **PROCLAMATION DESIGNATING OCTOBER 17, 2005, AS “UNITED WAY DAY” IN FAIRFAX COUNTY** (9:49 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 17, 2005, as “*United Way Day*” in Fairfax County, and urged all residents and employees to support financially, through United Way, the many local community organizations that provide services for seniors, families, and youth in the County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE 13-YEAR-OLD McLEAN/GREAT FALLS BABE RUTH ALL-STARS (DRANESVILLE DISTRICT)** (9:56 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the 13-year-old McLean/Great Falls Babe Ruth All-Stars for winning the 2005 Virginia State Championship in Colonial Heights, Virginia. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO McLEAN HIGH SCHOOL (DRANESVILLE DISTRICT)** (10:03 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition to recognize McLean High School on its fiftieth anniversary serving the students of the McLean community by providing quality education with the support of an outstanding administration, staff, Parent Teacher Student Association, and community volunteers, and by making a difference in the McLean community through the sponsorship of events and civil projects. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

6. **CERTIFICATE OF RECOGNITION TO RECOGNIZE CHEF CHRISTINE GLONINGER AND APPROPRIATE REPRESENTATIVES (BRADDOCK DISTRICT)** (10:07 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition to recognize Chef Christine Gloninger, Family and Consumer Science Program Chair, Annandale High School, for being named the Fairfax County Family and Consumer Sciences Education Association Teacher of the Year for 2004-2005.

Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Bulova moved approval of Certificates of Recognition to recognize appropriate representatives of the restaurant and hospitality industry, the school system, the community, and the County, for their efforts in regard to the construction of The Bistro, Annandale High School's state-of-the-art kitchen and restaurant. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

7. **PROCLAMATION DESIGNATING OCTOBER 2005 AS “DISABILITY EMPLOYMENT AWARENESS MONTH” IN FAIRFAX COUNTY**
(10:18 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 2005 as “*Disability Employment Awareness Month*” in Fairfax County to provide an opportunity for residents to recognize the history, concerns, contributions, and achievements of individuals with disabilities and to create a favorable climate for a harmonious and fully integrated community in the County. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING NOVEMBER 14-18, 2005, AS “SUBSTANCE ABUSE AWARENESS WEEK” IN FAIRFAX COUNTY**
(10:24 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate November 14-18, 2005, as “*Substance Abuse Awareness Week*” in Fairfax County and urged all residents to take advantage of the opportunity to gain awareness of and knowledge about substance abuse and join in the common effort to create a healthy, happy, and hope-filled community. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

9. **PROCLAMATION DESIGNATING OCTOBER 22, 2005, AS “VOLUNTEERFEST DAY 2005” IN FAIRFAX COUNTY** (10:33 a.m.)

Supervisor Frey moved approval of the Proclamation to designate October 22, 2005, as “*VolunteerFest Day 2005*” in Fairfax County and urged all residents to observe this day by connecting with neighbors, friends, co-workers, family, and faith-based school and civic groups to engage in projects benefiting the community. Supervisor Bulova seconded the motion and it carried by a vote

of seven, Supervisor Hudgins and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

10. **PROCLAMATION DESIGNATING OCTOBER 2005 AS “DOMESTIC VIOLENCE AWARENESS MONTH” IN FAIRFAX COUNTY** (10:42 a.m.)

Supervisor Kauffman moved approval of the Proclamation to designate October 2005 as “*Domestic Violence Awareness Month*” in Fairfax County and urged all residents to become actively involved in supporting intervention, prevention, and education efforts aimed at creating a coordinated communitywide response that promotes safety, security, and justice for domestic violence survivors and ensures accountability for perpetrators. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Hudgins being absent.

11. **PROCLAMATION DESIGNATING NOVEMBER 5, 2005, AS “AMERICA RECYCLES DAY” IN FAIRFAX COUNTY** (10:53 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 5, 2005, as “*America Recycles Day*” in Fairfax County and urged all residents to practice environmental stewardship by recycling and purchasing products with recycled content. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **PROCLAMATION DESIGNATING SEPTEMBER 18, 2005, AS “RESPONSIBLE DOG OWNERSHIP DAY” IN FAIRFAX COUNTY** (10:57 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate November 5, 2005, as “*As Responsible Dog Ownership Day*” in Fairfax County and urged all residents to practice conscientious care and safety for their dogs. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Frey noted that County animal control and animal shelter personnel were part of the some of the teams that went to New Orleans and he asked unanimous consent that the Board direct staff to take animal evacuation into account in the County’s disaster planning. Without objection, it was so ordered.

(NOTE: Later in the meeting, the County Executive presented a report on the State of Emergency Planning and Preparedness in the County. See Clerk’s Summary Item #16.)

13. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LINDA LAMMERSEN** (11:07 a.m.)

Supervisor DuBois moved approval of a Certificate of Recognition to recognize Ms. Linda Lammersen for her years of outstanding service, dedication, and leadership to the residents of the Dranesville and Hunter Mill Districts and for enhancing the quality of life in the community through her work in parks and recreation, public affairs, human services, and countless volunteer activities on behalf of youth in the County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

14. **10 A.M. – 2005 EXCEPTIONAL DESIGN AWARDS CEREMONY** (11:13 a.m.)

This is the twentieth-first year of the Exceptional Design Awards Program. One hundred and fifteen projects have been recognized for their design excellence over that time. Mark Searle, Chairman of the Design Jury, presented the 2005 Exceptional Design Awards to the following:

- *Honor Award:* Charlie Chiang's Restaurant (Commercial, Retail)
Architect: Division One Architects, Silver Spring, Maryland
Owner/Developer: CTC, Incorporated
Year Built: 2004
- *Merit Award:* Robin Residence (Residential, Single Family Detached)
Architect: Amestudio, Alexandria, VA
Owner/Developer: Mark Robin
Year Built: 2004
- *Merit Award:* The Madeira School – Student Center (Institutional)
Architect: cox graae + spark architects, Washington, DC
Owner/Developer: The Madeira School
Year Built: 2004
- *Merit Award:* Cub Run RECenter (Recreational)
Architect: Grimm + Parker Architects, McLean, VA
Owner/Developer: Fairfax County Park Authority
Year Built: 2005
- *Honorable Mention Award:* Private Residence (Residential, Single Family Detached)
Architect: Envision Design, PLLC, Washington, DC
Owner/Developer: Sally Wilson
Year Built: 2003

- *Honorable Mention Award:* Beverly Pediatric Dentistry
(Commercial, Retail)
Architect: FORMA Design, Washington, DC
Owner/Developer: Marayam Mohammadi
Year Built: 2003
- *Honorable Mention Award:* Burke Volunteer Fire Station #14 and
Community Hall (Institutional)
Architect: LeMay Erickson Architects, Reston, VA
Owner/Developer: Fairfax County
Year Built: 2002

Chairman Connolly noted that the architectural design awards were very important in ensuring that the County was encouraging people to improve the aesthetic look of the community.

15. **10:10 A.M. – PRESENTATION OF THE BARBARA VARON AWARD**
(11:25 a.m.)

William Spencer, Director, Office of Equity Programs, presented the recipient of the second annual Barbara Varon Award. The award was established to recognize a County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in Fairfax County, demonstrate an appreciation for the diversity of the community's population, exhibit patriotism, show evidence of having a positive effect on the community, and be known for encouraging others to do the same.

Chairman Connolly presented the award to Mrs. Louise Pennington, a resident of Providence District. She has assisted the residents of her cooperative in a number of activities, including medical care, exercising their right to vote, escorting them to various errands, organizing multi-cultural pot-luck activities, getting involved in gang activities, and countless other issues that arise from living in a cooperative, multi-cultural environment.

16. **10:20 A.M. – FAIRFAX COUNTY: STATE OF EMERGENCY PLANNING AND PREPAREDNESS** (11:38 a.m.)

(NOTE: Earlier in the meeting the Board raised the issue of animal evacuations as part of disaster planning. See Clerk's Summary Item CL#12.)

Anthony H. Griffin, County Executive, presented a report on the State of Emergency Planning and Preparedness in the County which included:

- Progress the County has made since September 11, 2001.

- A clear overview of the County's emergency management response and who is in charge during an incident.
- Evacuation plans, especially in light of the visuals everyone had seen from Hurricanes Katrina and Rita in New Orleans and Texas.
- The needs and responses by the County to special populations.
- The way the County communicates with its residents as well as internally with key responders.
- An outline of a future action plan for continued efforts by the County as it undertake efforts in this area.

Following Mr. Griffin's presentation, discussion ensued concerning the inoperability of equipment and the continuity of operations during past emergencies, with input from C. Douglas Bass, Director, Office of Emergency Management.

Further discussion ensued concerning the regional sharing of equipment and personnel, the evacuation of pets, and redundancies in command. Supervisor Gross noted that during a presentation of a video prepared for Channel 16, viewers were advised to place their pets in the bathroom with food and water and then close the door; however she noted that that message was inconsistent with the message that was being presented today. Mr. Griffin acknowledged that the message was changing and that the County was making adjustments.

Following additional discussion concerning utilities and the County's representation on the Council of Governments, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide the same presentation to the County School Board. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Determine if the County has in-house capacity for fully employing the existing network in the case of an emergency.
- If not, determine the amount needed and whether it needed to be a budget item.

Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide comprehensive information for Board members to disseminate through their newsletters, at town hall meetings, and directly to senior citizen and other centers. Without objection, it was so ordered. Additional discussion ensued with input

from Mark S. Wheatley, Assistant Chief, Operations Division, Fire and Rescue Department, concerning the self-identification of individuals with special needs to the County's communication center.

Supervisor Bulova asked unanimous consent that the Board direct staff to explore a marriage between Citizen Emergency Response Teams (CERT) and Neighborhood Watch, particularly in training, in order to have a well-prepared core community response and, if there was a financial requirement for making that happen, determine what that would be. Without objection, it was so ordered.

Discussion continued with additional input from Mr. Griffin and David M. Rohrer, Chief of Police concerning the Citizen Corps and current CERT training.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Re-examine pandemic protocols.
- Examine the need for additional video cameras and work with the Virginia Department of Transportation to ensure that existing cameras are cleaned and fully operational at all times.
- Evaluate the community's readiness to undertake and manage a massive evacuation from the surrounding area (DC).
- Review the authority of the County to require the private sector to do its own emergency evacuation planning and/or shelter-in-place planning.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly thanked Mr. Griffin for his presentation.

(NOTE: Later in the meeting, the Board took additional action concerning emergency preparedness. See Clerk's Summary Item CL#74.)

PW:pw

17. **ADMINISTRATIVE ITEMS** (1:31 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Chairman Connolly called the Board's attention to Admin 11 – Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept a Three-Year Funding Contract From the Virginia Tobacco Settlement Foundation for Implementation of an Early Childhood Prevention Program. A brief discussion ensued with input from Anthony H. Griffin, County Executive, regarding the lack of standard language stipulating that the County is under no obligation to fund grant positions once grant funding expires.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to include the aforementioned standard language, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, HUNTER MILL, MASON, AND SULLY DISTRICTS)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Coventry Springs Estates	Dranesville	Hidden Hill Lane Riesley Lane
Garfield Park Section 1		Dominion Reserve Drive Duchess Drive (Route 7312) Glenhaven Court Glenhaven Drive Grovemont Drive Montvale Way Montvale Way Old Dominion Drive (Route 738) Additional ROW Only Solitude Court
Garfield Park Section 1A		Montvale Way
Hunters End	Hunter Mill	Cameron Health Drive Chessington Place

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
		Pelham Manor Place Whitstone Place
Addition to Barcroft Terrace	Mason	Mary Meindl Court (Route 1271)
Compton Chase	Sully	Compton Road (Route 658) Additional ROW Only Richard Simpson Lane (Route 8908)
Dartmoor Woods Section 3		Bennett Road (Route 669) Additional ROW Only Kyler Lane Navy Drive

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

Approved an extension of review period for the following Public Facility (2232) Review Applications:

- 2232-Y05-10 to December 22, 2005
- FS-V05-29 to January 2, 2006
- 2232-D05-14 to January 12, 2006
- FS B05-27 to January 12, 2006
- FS-S05-31 to January 12, 2006
- FS-H05-32 to January 16, 2006
- 2232-V04-16 to February 27, 2006

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFIDAVITS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on November 16, 2005, and before the Board on **January 9, 2006, at 4 p.m.** on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding affidavits.

ADMIN 4 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF BERYL STREET (MASON VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4:30 p.m.** to consider the vacation and abandonment of a portion of Beryl Street.

ADMIN 5 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO ABANDON LINGUINI LANE AND TO CONVEY FEE OWNERSHIP OF THE ABANDONED PROPERTY (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4 p.m.** to consider the abandonment of Linguini Lane and conveyance of the fee ownership for the right-of-way by the Board to M/I Properties.

ADMIN 6 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO VACATE SUNCREST LANE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4:30 p.m.** to consider the vacation of Suncrest Lane.

ADMIN 7 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF CRANFORD STREET AND VACATE MARION PLACE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4:30 p.m.** to consider the vacation and abandonment of a segment of Cranford Street and the vacation of Marion Place.

ADMIN 8 – AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO ABANDON BARTHOLOMEW COURT (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4 p.m.** to consider the abandonment of Bartholomew Court.

ADMIN 9 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON NEW PARKLAND DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (HUNTER MILL DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of “Watch for Children” signs as part of the R-TAP at the following location:
 - New Parkland Drive
 - Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 10 – AUTHORIZATION FOR THE COUNTY POLICE DEPARTMENT TO ACCEPT A COPS IN SCHOOLS GRANT AWARD FROM THE UNITED STATES DEPARTMENT OF JUSTICE (USDOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (OCOPS)

Authorized the County Police Department to accept a COPS in Schools grant from the USDOJ OCOPS to provide \$750,000 for the establishment of 6/6.0 SYE sworn law enforcement officer positions to support and expand the School Resource Office Program. A local cash match of \$1,621,056 will be required during the 36 month grant period, for a total program cost of \$2,371,056. The appropriation for this grant will be included in the *Fiscal Year 2007 Adopted Budget Plan*. By the end of the 36 month grant period, the County will be wholly responsible for funding the positions established under the grant for at least one fiscal year.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT A THREE-YEAR FUNDING CONTRACT FROM THE VIRGINIA TOBACCO SETTLEMENT FOUNDATION FOR IMPLEMENTATION OF AN EARLY CHILDHOOD PREVENTION PROGRAM

(NOTE: Earlier in the meeting, the Board took action regarding this action. See page #10.)

Authorized the CSB to apply for and accept Virginia Tobacco Settlement Foundation funding of \$225,000, at \$75,000 per year over a three-year period, if received. The funds would be used to implement the program *Al's Pals: Kids Making Healthy Choices*, in collaboration with partner organizations.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6708 BEULAH STREET (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 5 p.m.** to consider the adoption of a Spot Blight Abatement Ordinance for 6708 Beulah Street, Alexandria, Virginia, 22310 [Tax Map Number 091-1-((05))-0004].

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED REVISIONS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-5-1, UPDATING THE BOARDS, AUTHORITIES, COMMISSIONS (BACS), AND EMPLOYEES REQUIRED TO FILE FINANCIAL DISCLOSURE FORMS

(BACs)

- (A) Authorized the advertisement of a public hearing to be held before the Board **November 21, 2005, at 5 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) updating the BACs and employees required to file annual financial disclosure forms in compliance with Section 2.1-629.1 through 2.1-639.24 of the *Code of Virginia*.

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL), TO CONSIDER AN ORDINANCE THAT ESTABLISHES A PILOT PROGRAM TO PROHIBIT THE FEEDING OF MALLARD DUCKS AND CANADA GEESE ON PARCELS OF LAND CONTIGUOUS TO LITTLE HUNTING CREEK (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), to consider an Ordinance that establishes a pilot program to prohibit the feeding of mallard ducks and Canada geese on parcels of land contiguous to Little Hunting Creek.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4124 BRUNING COURT (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 4124 Bruning Court, Tax Map 58-3((7)) (A) 0016.

18. **A-1 – CHANGES TO THE COUNTY PROCEDURES REGARDING REQUESTS MADE PURSUANT TO THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT (THE PROCEDURES) OF 2002** (1:32 p.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the revisions to The Procedures as outlined in the Board Agenda Item dated October 17, 2005, to become effective upon approval. This motion, the second to which was indistinguishable, carried by a vote of eight, Supervisor Hyland being out of the room and Supervisor McConnell being absent.

A brief discussion ensued with input from Cathy Muse, Director, Department of Purchasing and Supply Management, regarding the changes to the act.

19. **A-2 – CONVERSION OF POSITIONS AND INCUMBENTS IN THE OFFICE OF THE GENERAL REGISTRAR TO MERIT STATUS** (1:34 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the conversion of 12 positions in the Office of the General Registrar from exempt to merit status and that the employees in those positions be converted to merit status based on the certification of the Human Resources Director that the incumbents meet the appropriate employment standards. Such employees who are certified by the Human Resources Director as meeting the appropriate employment standards shall be credited with prior service in the Office of the General Registrar with respect to their initial probationary period, annual leave accrual rate, and seniority for reduction in force purposes.

A brief discussion ensued with input from Anthony H. Griffin, County Executive, regarding the reorganization of the Office of the General Registrar.

The question was called on the motion, and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

20. **A-3 – ENDORSEMENT OF FISCAL YEAR (FY) VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (1:35 p.m.)

(Rs) Supervisor Bulova moved that the Board concur in the recommendation of staff and took the following actions:

- Endorsed the enhancement projects for which applicants have identified a source for the required minimum 20 percent match.
- Directed the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

A brief discussion ensued with input from Tom Biesiadney, Chief, Coordination and Funding Section, Department of Transportation, regarding a list of ongoing projects. Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the Board with a list of ongoing projects from previous years that were funded. Without objection, it was so ordered.

21. **A-4 – ALLOCATION OF INVESTING IN COMMUNITIES PROGRAM (ICP) GRANTS TO SUPPORT REVITALIZATION ACTIVITIES OF THE ANNANDALE CENTRAL BUSINESS DISTRICT PLANNING COMMITTEE, INCORPORATED (ACBDPC) (MASON DISTRICT)** (1:36 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved allocation of funding totaling \$850,000 in Community Development Block Grant funds under the ICP for the following projects:

- Annandale Pedestrian Walkway Feasibility Study: \$150,000.
- Annandale Uniform Traffic and Pedestrian Signage Project Initiative: \$100,000.
- Construction of 1,000 linear feet of streetscape improvements on the north side of Columbia Pike: \$600,000.

22. **A-5 – CONSIDER THE ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO PROVIDE FOR A \$1 TAXICAB FUEL SURCHARGE AND AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN UNCODIFIED ORDINANCE THAT WILL PROVIDE FOR A \$1.50 TAXICAB FUEL SURCHARGE UNTIL APRIL 30, 2006** (1:36 p.m.)

- (O) (A) Supervisor Bulova moved that the Board concur in the recommendation of staff and:

- Adopt the emergency uncodified Ordinance providing for a \$1 fuel surcharge.

- Authorize the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 5 p.m.** regarding the adoption of an uncodified Ordinance to provide for up to a \$1.50 fuel surcharge, as requested by Murphy Brothers, Incorporated, from November 22, 2005, until April 30, 2006.

Following a query from Chairman Connolly, Gail Condrick, Director, Department of Cable Communications and Consumer Protection, and Nancy Vehrs, Clerk to the Board, confirmed that correspondence from the Consumer Protection Commission was submitted to the Board electronically.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to enter into the record the correspondence from the Consumer Protection Commission indicating no objection and that the Consumer Protection Commission will consider the request at its meeting scheduled for October 18, 2005. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

A brief discussion ensued with input from Ms. Condrick regarding the surcharge and the “Seniors on the Go” program and the effect of the increase on the value of the coupon book in that program.

23. **C-1 – 2005 VIRGINIA ASSOCIATION OF COUNTIES’ (VACo) ANNUAL MEETING** (1:40 p.m.)

The Board next considered an item contained in the Board Agenda dated October 17, 2005, requesting designation of voting delegates to represent the County at the VACo annual conference.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board designate:

- Chairman Connolly as the voting delegate.
- Supervisor Hyland as the alternative voting delegate.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **I-1 – CONTRACT AWARD – BROOKVIEW DRIVE STORM DRAINAGE IMPROVEMENT PROJECT (LEE DISTRICT)** (1:41 p.m.)

The Board next considered an item contained in the Board Agenda dated October 17, 2005, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$116,765.00 for the construction of Brookview Drive Storm Drainage Improvement, Project Z00018 – (Z1030), in Fund 308 Public Works Construction. The project provides for flood proofing and overland drainage relief at 5905 Brookview Drive.

The staff was directed administratively to proceed as proposed.

25. **I-2 – REVISIONS TO PROCEDURAL MEMORANDUM NUMBER 11-01 – EXEMPT SERVICE** (1:41 p.m.)

The Board next considered an item contained in the Board Agenda dated October 17, 2005, requesting authorization for the County Executive to:

- Finalize the revisions to Procedural Memorandum Number 11-01 – Exempt Service as outlined in the Board Agenda Item.
- Disseminate the revised Procedural Memorandum to staff.

The staff was directed administratively to proceed as proposed.

26. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D05-14, NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INCORPORATED (DRANESVILLE DISTRICT)** (1:41 p.m.)

The Board next considered an item contained in the Board Agenda dated October 17, 2005, announcing that the Planning Commission approved Public Facilities Application 2232-D05-14, Nextel Communications of the Mid-Atlantic, Incorporated and that the application met the criteria of character, location, and extent, and was in conformance with the *Code of Virginia*.

27. **I-4 – CONTRACT AWARD – ROUTE 50/ANNANDALE ROAD (PROVIDENCE AND MASON DISTRICTS)** (1:41 p.m.)

The Board next considered an item contained in the Board Agenda dated October 17, 2005, requesting authorization for staff to award a contract to A&M Concrete Corporation in the amount of \$1,116,324.25 for the construction of Route 50/Annandale Road, Project 064235, in Fund 304, Primary and Secondary Road Bond Construction. The project includes construction of an additional left turn lane from westbound Route 50 to Annandale Road, traffic signal

modification, pedestrian crossing, City of Falls Church water line relocation, and related items.

The staff was directed administratively to proceed as proposed.

28. **RECESS/CLOSED SESSION** (1:42 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Board of Supervisors of Fairfax County, Virginia, and William E. Shoup, Fairfax County Zoning Administrator versus Board of Zoning Appeals of Fairfax County, Virginia, and Androula Demetriou, At Law No. CL-2005-0000362 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 2. Douglas A. Smith and Charlotte L. Lee versus Fairfax County Board of Zoning Appeals, At Law No. CL-2005-0004452 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. Board of Supervisors v. Donald Reiser and Irma B. Reiser, At Law No. CL-2004-0227479 (Fx. Co. Cir. Ct.) (Sully District)
 - 4. William E. Shoup, Fairfax County Zoning Administrator versus Peter Komtzamanys,

- In Chancery No. CH-2004-0190140 (Fx. Co. Cir. Ct.) (Sully District)
5. William E. Shoup, Fairfax County Zoning Administrator versus. Robert W. Clark, In Chancery No. CH-2005-0003579 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 6. William E. Shoup, Fairfax County Zoning Administrator versus Michael J. Reid and Karen L. Reid, In Chancery No. CH-2004-0189961 (Fx. Co. Cir. Ct.) (Dranesville District)
 7. William E. Shoup, Fairfax County Zoning Administrator versus. Scott W. Pruitt and Paula E. Pruitt, In Chancery No. CH-2005-0003299 (Fx. Co. Cir. Ct.) (Sully District)
 8. William E. Shoup, Fairfax County Zoning Administrator versus Raleigh W. Knight and Joyce M. Knight, In Chancery No. CH-2005-0001471 (Fx. Co. Cir. Ct.) (Providence District)
 9. William E. Shoup, Fairfax County Zoning Administrator versus Ronald E. Jerro, In Chancery No. CH-2004-0192143 (Fx. Co. Cir. Ct.) (Dranesville District)
 10. William E. Shoup, Fairfax County Zoning Administrator versus Tri D. Chuong and Huong B. Pham, In Chancery No. CH-2005-0004356 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 11. William E. Shoup, Fairfax County Zoning Administrator versus John Michael Gailliot, In Chancery No. CH-2005-0004308 (Fx. Co. Cir. Ct.) (Mason District)
 12. Board of Supervisors versus NTW, Incorporated D/B/A NTB, and Safeco Insurance Company of America, At Law No. CL-2005-0005185 (Fx. Co. Cir. Ct.) (Lee District)

13. Board of Supervisors versus TRC Westfields II LLC, et al., At Law No. CL-2005-0005903 (Fx. Co. Cir. Ct.) (Sully District)
14. Board of Supervisors of Fairfax County, Virginia versus Silver Lake, Inc., et al., At Law No. CL-2005-0005798 (Fx. Co. Cir. Ct.) (Lee District)
15. Board of Supervisors versus Roundtree, LLC, et al., At Law No. CL-2005-0001970 (Fx. Co. Cir. Ct.) (Mason District)
16. Luther D. Campbell versus Fairfax County Fire and Rescue Department, At Law No. CL-2005-0005123 (Fx. Co. Cir. Ct.)
17. Mark A. McChrystal versus Fairfax County Board of Supervisors, et al., In Chancery No. CH-2005-0000014 (Fx. Co. Cir. Ct.)
18. Richard C. Weidman versus Fairfax County Water Authority, Fairfax County Board of Supervisors, and Casper Cosolino and Sons, Incorporated, In Chancery No. CH-2005-0001388 (Fx. Co. Cir. Ct.), Record No. 050992 (Sup. Ct. Va.) (Dranesville District)

And in addition:

- Board of Supervisors versus Batman/McNair Associates, L.P., et al., At Law Nos. CL-2001-0200417, CL-2003-0216744, CL-2004-0198027, and CL-2004-0217365
- Board of Supervisors versus Batman Co., Inc., et al., At Law No. CL-2004-211721
- Parrish versus Brian Wancik, et al., At Law No. CL-2002-0202879
- Virginia Code Section 15.2-2308
- Specific legal matters relating to existing drainage divides

- Specific legal matters relating to inspection and care of dry ponds
- Roubin Associates, L.L.C. versus The Board of Supervisors of Fairfax County, Virginia, In Chancery No. CH-2004-0192512
- Discussion regarding zoning for adult businesses

Supervisor Smyth seconded the motion, and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

DET:det

At 4:04 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

ADDITIONAL BOARD MATTER

29. **DEFERRAL OF THE PUBLIC HEARING ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (4:04 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2004-MV-030 until **November 21, 2005 at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

ACTIONS FROM CLOSED SESSION

30. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:05 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

31. **APPOINTMENT OF MR. STEPHEN H. SOUDER TO THE POSITION OF DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS** (4:05 p.m.)

Supervisor Gross moved the appointment of Mr. Stephen Souder to the position of Director of the Department of Public Safety Communications at the grade level of E-10 at a salary of \$118,000 effective November 2, 2005. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

32. **DEFERRAL OF CONSIDERATION OF EXISTING DRAINAGE DIVIDES** (4:06 p.m.)

Supervisor Frey moved:

- That the public hearing on proposed amendments to the Public Facilities Manual (PFM) concerning existing drainage divides be deferred until **January 23, 2006, at 4:30 p.m.**
- That the Board direct the Planning Commission to forward its recommendation regarding the proposed drainage divide amendment to the Board prior to the January 23, 2006 meeting.
- That the Board direct staff to prepare appropriate amendments to the PFM regarding requirements for adequate outfall and to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) and Chapter 112 (Zoning Ordinance) to expand the notification requirements in those ordinances regarding, among other things, potential changes in drainage patterns, and that these amendments be presented to the Board at its November 21, 2005, meeting for authorization to advertise public hearings.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

33. **BOARD OF SUPERVISORS VERSUS BATMAN/MCNAIR ASSOCIATES, LP, ET AL** (4:07 p.m.)

Supervisor Hudgins moved that the Board reject the settlement offer dated October 12, 2005, in the *Board of Supervisors of Fairfax County, Virginia versus Batman/McNair Associates, LP, et al.* and *Board of Supervisors versus Batman Company, Incorporated, et al.*, cases as listed on the closed session agenda, and make a counter-offer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

34. **AFFORDABLE HOUSING** (4:08 p.m.)

Supervisor Hudgins moved that the Board authorize the County Executive, for affordable housing purposes in Fairfax County Virginia:

- To place a bid for the purchase by the Board of certain real estate as identified and on the terms discussed in closed session.
- To enter into financial commitments with the Fairfax County Redevelopment and Housing Authority and other entities on such terms and conditions as described in closed session to facilitate the purchase by some of such entities of certain real estate as such real estate was also identified in closed session to support affordable housing in the County.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

35. **SETTLEMENT OF PARRISH VERSUS BRIAN WANCIK, ET AL., AT LAW NUMBER CL-2002-0202879** (4:09 p.m.)

Supervisor Hyland moved that the Board authorize the settlement of *Parrish versus Brian Wancik, et al.*, At Law Number CL-2002-0202879, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

36. **APPROPRIATION OF FUNDS FOR THE RETENTION OF LEGAL COUNSEL TO REVIEW THE BYLAWS OF THE BOARD OF ZONING APPEALS (BZA)** (4:09 p.m.)

(BACs) Supervisor Hyland stated that on September 16, 2005, the Supreme Court of Virginia ruled that the BZA's bylaw provision that determined the date of a "final decision" was inconsistent with requirements of the Virginia Code and, therefore, was invalid. The BZA requested that the Board appropriate funds for the BZA's retention of private legal counsel, Sharon E. Pandak, to review the BZA's bylaw and make recommendations to bring the bylaws into conformity with State law.

Supervisor Hyland moved that the Board appropriate \$3,000 to the BZA under Virginia Code Annotated § 15.2-2308 for the BZA's retention of Sharon E. Pandak to assist the BZA in its review and revision of its bylaws. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

37. **DEFERRAL OF THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-021 (SAFEWAY INCORPORATED) (MASON DISTRICT)** (4:10 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2005-MA-021 until **November 21, 2005, at 3 p.m.**, due to an affidavit issue. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

PW:pw

ADDITIONAL BOARD MATTER

38. **ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR ELAINE MCCONNELL** (4:11 p.m.)

Chairman Connolly announced that he had Supervisor McConnell's consent to proceed with appointments to citizen boards, authorities, commissions and advisory groups in her absence.

AGENDA ITEMS

39. **10:50 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (4:11 p.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Hudgins moved the appointment of Ms. Heidi Kallett to fill the unexpired term of Mr. Jeffrey Weinstock as the Hunter Mill District Representative to the Advisory Social Services Board. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the Lee and Sully District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

Chairman Connolly, on behalf of Supervisor McConnell, moved the appointment of Ms. Belinda Rankin to fill the unexpired term of Mr. Stephen Denes as the Springfield District Representative to the Airports Advisory Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Connolly moved the reappointment of Ms. Frieda Tatem as the At-Large #1 Representative to the Alcohol Safety Action Program Local Policy Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor DuBois moved the appointment of Ms. Katharine Ryan to fill the unexpired term of Joan Parker as the Dranesville District Representative to the Animal Services Advisory Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Hunter Mill District Representative to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointments of the Professional Group #2 and #5 Representatives to the Architectural Review Board.

(NOTE: Later in the meeting, the Board made an appointment to this board. See Clerk's Summary Item CL#41.)

ATHLETIC COUNCIL

The Board deferred the appointments of the At-Large Chairman's Representative, Dranesville District Alternate, Hunter Mill District Alternate, and Mason District Alternate Representatives to the Athletic Council.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Child Care Advisory Council.

CIVIL SERVICE COMMISSION

Chairman Connolly moved the appointment of The Honorable Rosemarie Annunziata as an At-Large Representative to the Civil Service Commission. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly moved that the Board appointment The Honorable Rosemarie Annunziata as the Chairman of the Civil Service Commission. Supervisor Bulova

seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Kauffman moved the appointment of Mr. Thomas Garnett, Jr., as an At-Large Representative to the Civil Service Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Bulova moved the appointment of Mr. Patrick Morrison as an At-Large Representative to the Civil Service Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Smyth moved the appointment of Ms. Carolyn Fleming-Williams as an At-Large Representative to the Civil Service Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Gross moved the appointment of Mr. D. Patrick Lewis as an At-Large Representative to the Civil Service Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the appointment of Mr. John C. Harris, Jr., as an At-Large Representative to the Civil Service Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of two At-Large Representatives to the Civil Service Commission for further consideration by Supervisor DuBois and Supervisor McConnell.

Chairman Connolly noted that the Ms. Audrey Morton, Mr. Jason Fong, Mr. Ronald Copeland, and Mr. Robert Frye, current representatives, would continue to serve on the Civil Service Commission as reconstituted.

COMMISSION FOR WOMEN

Supervisor Smyth moved the reappointment of Ms. Tania Hossain-Almaraz as the Providence District Representative to the Commission for Women. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly, on behalf of Supervisor McConnell, moved the reappointment of Ms. Mary Byers as the Springfield District Representative to the Commission for Women. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Commission on Organ and Tissue Donation and Transplantation:

- Mr. Marc Rosenberg as the National Kidney Foundation Representative
- Mr. Scott Brubaker as the American Association of Tissue Banks Representative

Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the Religious Community and the Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Gross moved the appointment of Mr. Jim Edwards-Hewitt to fill the unexpired term of Mr. Tom Fox as the Mason District Representative to the Community Action Advisory Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Community Action Advisory Board:

- Ms. Shari Zamarra as the Community Ministry Representative
- Ms. Katharine Powell as the Junior League of Northern Virginia Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the At-Large Chairman's Representative and the Dranesville and Lee District Representatives to the Community Action Advisory Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

Supervisor Gross moved the appointment of Mr. Roy Brooks, Jr., to fill the unexpired term of Mr. Christopher O'Brien as the Mason District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District Representative to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #3 Representative to the Engineering Standards Review Committee.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the Hunter Mill, Lee, Providence, and Springfield District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Connolly, on behalf of Supervisor McConnell, moved the appointment of Ms. Lori Stillman as the Springfield District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Mount Vernon District Representative to the Fairfax-Falls Church Community Services Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #8 Representative to the History Commission.

HUMAN RIGHTS COMMISSION

The Board deferred the appointments of the At-Large #1, #2, #8, and #11 Representatives to the Human Rights Commission.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Sully District #1 Representative to the Human Services Council.

INDUSTRIAL DEVELOPMENT AUTHORITY

Chairman Connolly moved the reappointment of Mr. Douglas Denny as the At-Large #3 Representative to the Industrial Development Authority. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly moved the reappointment of Mr. Marcus Simon as the At-Large #5 Representative to the Industrial Development Authority. Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the At-Large #4 Representative to the Industrial Development Authority.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the At-Large Chairman's Representative and Providence District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Chairman Connolly moved the reappointment of Ms. Judy Braus as the Fairfax County #2 Representative to the Northern Virginia Regional Park Authority. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock, Dranesville, Mason, and Providence District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #4 Representative to the Road Viewers Board.

SMALL BUSINESS COMMISSION

Supervisor Gross moved the appointment of Ms. Elizabeth Novak to fill the unexpired term of Ms. Joyce Bissonette as the Mason District Representative to the Small Business Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Hunter Mill District Representative to the Small Business Commission.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 Representative to the Southgate Community Center Advisory Council.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Transportation Advisory Commission.

TREE COMMISSION

Supervisor Hyland moved the reappointment of Ms. Eleanor Quigley as the Mount Vernon District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Smyth moved the reappointment of Ms. Penelope Firth as the Providence District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the At-Large Chairman's Representative to the Tree Commission.

AD HOC COMMITTEES**HUNTER MILL ROAD AREA SPECIAL STUDY TASK FORCE**

The Board deferred the appointment of the Hunter Mill District #9 Representative to the Hunter Mill Road Area Special Study Task Force.

(NOTE: Later in the meeting, the Board made an appointment to this task force. See Clerk's Summary Item CL#97.)

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE

Chairman Connolly moved the appointment of Mr. Henry Mackall as the Sully Foundation Representative to the Virginia 2007 Community Citizen Planning Committee. Supervisor Frey seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CONFIRMATIONS:

Supervisor Hudgins moved the confirmation of the following appointments to the Virginia 2007 Community Citizen Planning Committee:

- Ms. Traci Claar as the George Mason University Representative

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

40. **CIVIL SERVICE COMMISSION CHANGES TO THE EMPLOYEE'S APPEAL PROCESS AND INCREASE IN COMPENSATION RATE FOR CIVIL SERVICE COMMISSIONERS** (4:22 p.m.)

(BACs)

(R)

Supervisor Gross said that the number of Civil Service Commission members will be increased from 5 to 12, and, each commissioner will now serve a 2 year term, rather than the previous 4.

The new appeals process will be implemented in January, 2006. With commissioners rotating among four hearing panels that will hear cases once per week during normal business hours, rather than once per week in the evening, the waiting time for hearings will be reduced to 60-90 days.

Supervisor Gross moved adoption of the Resolution authorizing the compensation rate for Civil Service Commissioners is established to become effective January 1,

2006 as \$500 per appeal, \$75 per public hearing, and \$75 per half-day training. Supervisor Hyland seconded the motion which carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

ADDITIONAL APPOINTMENT

41. **ARCHITECTURAL REVIEW BOARD** (4:22 p.m.)

(NOTE: Earlier in the meeting, the Board deferred appointments to this board. See Clerk's Summary Item CL#39.)

Supervisor Kauffman moved the reappointment of Ms. Pamela Cressey as the Related Professional Group #2 Representative to the Architectural Review Board. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

DET:det

42. **3 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (4:24 p.m.)

(Note: Earlier in the meeting, the Board took action to defer the public hearing on this item until **November 21, 2005, at 3 p.m.** See Clerk's Summary Item CL#29.)

43. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-003 (DUNN LORING METRO APARTMENT PARTNERSHIP) (PROVIDENCE DISTRICT)** (4:24 p.m.)

(O) The application property is located on the east side of Gallows Road and approximately 200 feet south of Park Tower Drive, Tax Map 49-2 ((1)) 41.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2005-PR-003, from the R-20 District to the R-30 District, subject to the proffers dated October 13, 2005.
- Approval of a waiver of Public Facilities Manual Section 06-0303.8 to permit the use of an underground water quantity and quality control facility in a residential area, subject to the development conditions dated June 10, 2005.
- Modification of the Merrifield Suburban Center Boulevard Streetscape Guidelines of the Comprehensive Plan to permit the landscaping and trail to transition to that provided on the property to the north as shown on the Generalized Development Plan.
- Modification of the Comprehensive Plan trail requirement.
- Waiver of the minimum district size.
- Approval of a waiver of the loading space requirement.

Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

44. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 2002-PR-017 (CAPITAL ONE BANK) (PROVIDENCE DISTRICT)**
(4:29 p.m.)

The application property is located at 1680 Capital One Drive, Tax Map 29-4 ((5)) A2.

Ms. Hillary Katherine Zahm reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 by Capital One Financial Corporation

Ms. Zahm had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Catherine Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 2002-PR-017, subject to the development conditions dated October 12, 2005. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Bulova and Supervisor Frey being out of the room, Supervisor McConnell being absent.

45. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-MA-038 (MOON SIK PARK) (MASON DISTRICT)** (4:34 p.m.)

- (O) The application property is located on the south side of Little River Turnpike approximately 400 feet east of its intersection with Backlick Road, Tax Map 71-1((1))115A and 116B.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Gross disclosed the following campaign contribution she had received:

- In excess of \$100 from McGill Enterprises

Following the public hearing, which included testimony by one speaker, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2004-MA-038, from the C-6, HC, SC, and CRD Districts to the C-7, HC, SC, and CRD Districts, subject to the proffers dated October 7, 2005.
- Waiver of the barrier requirement and modification of the transitional screening requirement along the southern property line in favor of the treatment depicted on the Generalized Development Plan and as proffered.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins,

Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Gross submitted items for the record.

46. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-DR-016 (BRANCH BANKING AND TRUST COMPANY OF VIRGINIA) (DRANESVILLE DISTRICT)** (4:42 p.m.)

The application property is located at 2148 Centreville Road, Tax Map 16-1 ((1)) 7B pt.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Mr. Tompkins had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor DuBois moved approval of Special Exception Application SE 2005-DR-016, subject to the development conditions dated September 29, 2005. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

47. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-095-3 (GREAT FALLS VILLAGE GREEN DAY SCHOOL) (DRANESVILLE DISTRICT)** (4:45 p.m.)

The application property is located at 790 Walker Road, Tax Map 13-1((3))A.

Ms. Tara E. Wiedeman reaffirmed the validity of the affidavit for the record.

Ms. Wiedeman had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, David J. Moss, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Because of concerns about traffic on Thunderhill Court, Supervisor DuBois requested confirmation from the school that the school was:

- Willing to work with the community on additional measures should the current proposal not prove to be effective.
- That the school will remind parents throughout the school year that parking should not take place on Thunderhill Court and that the road should not be used for pick-up and drop-offs of students.

Ms. Wiedeman confirmed that the school was willing to re-evaluate that in the future if the need arose and to work with the community.

Supervisor DuBois moved:

- Approval of Special Exception Amendment Application SEA 83-D-095-3, subject to the development conditions dated October 17, 2005.
- Reaffirmation of the modification of the transitional screening and waiver of the barrier requirements along the eastern, western and southern boundaries as depicted on the Special Exception Plat.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

Supervisor DuBois submitted items for the record.

PW:pw

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-DR-006 (BASHEER-EDGEMOORE-MOUTOUX, LLC) (DRANESVILLE DISTRICT)** (4:52 p.m.)

(O) The application property is 600 feet south of Leesburg Pike and west of Beulah Road, Tax Map 19-1 ((3)) 2Z; 19-3 ((1))5, 8, 9Z, 11A, and 42Z pt.

Mr. Gregory Riegel reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 from Mr. Christian J. Lessard through the Metropolitan Development and Cameron Financial, LLC, which are not parties to this application

Mr. Riegel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by three speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

A brief discussion ensued regarding the exception to the Chesapeake Bay Preservation Ordinance.

Supervisor DuBois moved:

- Amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-DR-006 from the R-A and R-1 Districts to the R-1 and PDH-1 Districts and the Conceptual Development Plan subject to the proffers dated October 13, 2005.
- Approval of the P-District variances, pursuant to Section 16-401, Paragraph 8 of the Zoning Ordinance as outlined in the Board Agenda Item.
- Reduction of the trail width on the north side of Beulah Road to six feet along the frontage of parcel 19-3 ((1)) 11.
- That the Board direct the Director of the Department of Public Works and Environmental Services to approve a waiver of the street light requirements such that street lights are not required to be installed along the roadway segment from the street labeled as Moutoux Grove to the cul-de-sac within Blueberry Hill, the existing community to the north.
- Approval of Resource Protection Area Encroachment Request 6553-WRPA-001-2, subject to the proposed Waiver Development Conditions dated September 21, 2005.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE,"

Supervisor Frey, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

The Planning Commission approved Final Development Plan Application FDP 2005-DR-006.

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-036 (JEAN M. MCMAHON, TINA EJTEMAI, AND VAFA MOSTAGHIM) (PROVIDENCE DISTRICT)** (5:11 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 92-P-036 until **November 21, 2005, at 4 p.m.** Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-021 (SAFEWAY INCORPORATED) (MASON DISTRICT)** (5:12 p.m.)

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#37.)

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-SP-015 (WASHINGTON, DC, SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS) (SPRINGFIELD DISTRICT)** (5:12 p.m.)

The application property is located at 11116 Henderson Road, Tax Map 96-1 ((1)) 17.

Mr. Frank Stearns reaffirmed the validity of the affidavit for the record.

Supervisor DuBois disclosed the following campaign contribution which she had received:

- In excess of \$100 from Mr. John Milliken of Venable, LLP

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 from Mr. John Milliken of Venable, LLP
- In excess of \$100 from Venable, LLP

Mr. Stearns had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, John David Moss, staff, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, on behalf of Supervisor McConnell, moved:

- Approval of Special Exception Application SE 2005-SP-015, subject to the development conditions dated September 14, 2005.
- Modification of the transitional screening requirement along all site boundaries.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-LE-033 (FRANCONIA LODGE 646 LOYAL ORDER OF MOOSE, INCORPORATED) (LEE DISTRICT) (5:17 p.m.)**

The application property is located at 7701 Beulah Street, Tax Map 99-2 ((1)) 50.

Ms. Susan Benson reaffirmed the validity of the affidavit for the record.

Ms. Benson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 2004-LE-033, subject to the development conditions dated October 11, 2005.
- Modification of the transitional screening requirement along all boundaries in favor of landscaping and vegetation shown on the Special Exception Plat.
- Waiver of the barrier requirement along the eastern, southern, and western boundaries.

- Modification of the barrier requirement along the northern boundary shown on the Special Exception Plat.

This motion, the second to which was indistinguishable, carried by a vote of seven, Supervisor Hudgins and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

NV:nv

53. **4 P.M. – PH TO CONSIDER A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G TO EXPAND THE ANNANDALE TERRACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 37 (BRADDOCK DISTRICT)** (5:22 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Hamid Majdi, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix G, to expand the Annandale Terrace RPPD, District 37. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Gross being out of the room, Supervisor McConnell being absent.

54. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 1/ENGLESIDE POST OFFICE TURN LANE IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)** (5:27 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Carol Kresge, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by seven speakers, discussion ensued regarding a traffic signal, with input from Larry Ichter, Chief, Transportation Design Branch, Capital Facilities, Department of Public Works and Environmental Services.

Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of the necessary land rights for the construction of Project 4YP002 – Route 1/Engleside Post Office Turn Lane Improvement, in Fund 304, Primary and Secondary Road Bond Construction. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

55. **4 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M TO EXPAND THE SIGNAL HILL COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**
(5:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Paul Mounier, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, to expand the Signal Hill CPD as outlined in the Board Agenda Item and in accordance with existing CPD restrictions. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

56. **4 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M TO ESTABLISH THE UNION MILLS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**
(6:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Paul Mounier, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, to establish the Union Mills CPD, in accordance

with existing CPD restrictions. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

57. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT**
APPLICATION PCA 1999-PR-035 (BATAL CORBIN, LLC)
(PROVIDENCE DISTRICT) (6:09 p.m.)

The application property is located in the southwest quadrant of the intersection of Gallows Road and Idylwood Road, Tax Map 39-4 ((58)) A, B, and 1-14.

Mr. Frank McDermott reaffirmed the validity of the affidavit for the record.

David P. Bobzien, County Attorney, stated for the record that the date of the most recent affidavit in this case is October 11, 2005, and that affidavit was executed after the discovery that there had been an overinclusion of individuals who should not have been listed on the affidavit. Because the October 11 affidavit did not reach the County Attorney's Office for review more than seven business days prior to the hearing, the Board's Policy on affidavits technically requires the passage of a motion to waive the Policy for the hearing to proceed. Because, as in this case, the elimination of individuals, as opposed to the addition of individuals, can never put Board Members at risk of not disclosing financial relationships with those individuals and because the next opportunity for a public hearing is not until November 21, he recommended that a motion to waive the Policy in this particular case be made and approved by the Board.

Following a brief discussion, with input from Mr. Bobzien, Supervisor Smyth moved to waive the Board's Policy regarding affidavits as recommended by the County Attorney for the aforementioned reasons. Supervisor DuBois seconded the motion.

Following discussion regarding the Policy and careful attention to affidavits, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to provide recommendations for modifying the Policy to take into consideration this kind of example. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following further discussion, Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to review changes in an affidavit because of changes in ownership of an affected property.

Following a brief discussion, with input from Mr. Bobzien, without objection, it was so ordered.

The question was called on the motion, which **CARRIED** by a recorded vote of five, Supervisor Frey, Supervisor Gross, and Chairman Connolly voting “**NAY**,” Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 by Mr. William A. Moran

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$100 by Mr. William A. Moran

Mr. McDermott had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by eight speakers, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 1999-PR-035 subject to the proffers dated October 14, 2005. The second to this motion was inaudible.

Discussion ensued regarding the notification of the purchasers of the homes of requirements regarding the landscape plan, with input from Mr. McDermott.

Following further discussion regarding previous tree loss and the current proposal, the question was called on the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

Supervisor Smyth moved that the Board direct staff to:

- Set up a County fund for tree preservation and planting.
- Report with recommendations for integrating Urban Forestry back into the site inspection process in terms of training and staffing needs.

- Include tree surveys as part of the submission package for land use cases (which would indicate the condition of the trees).

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

PMH:pmh

ADDITIONAL BOARD MATTER

58. **JOINT BOARD MATTER WITH CHAIRMAN CONNOLLY FOR SOUTH COUNTY MIDDLE SCHOOL FUNDING (MOUNT VERNON DISTRICT)**
(7:04 p.m.)

Jointly with Chairman Connolly, Supervisor Hyland said that several months ago, he approached the County School staff from Facilities and Transportation looking for potential locations for a new Transportation Office to replace the existing one located at 8101 Lorton Road, the old Lorton School Building. This building houses the transportation offices for County public schools and also serves as a test center for special needs students. The current site does not permit future expansion nor any increase in school bus parking. Moreover, it would require extensive renovation to meet future needs. He added that he has been told by engineers from Virginia Department of Transportation that improvements to Interstate 95 and Lorton Road will soon necessitate relocation of these facilities. In addition to this, INOVA's Lorton Healthplex has an interest in obtaining a portion of the Lorton Center for incorporation in its construction.

Supervisor Hyland noted that the County Public School's preferred location is a northwest corner of the site at the Engineer Proving Grounds (EPG). However, the Department of the Army and Fort Belvoir's continuing efforts to clean the remaining right-of-way for the County Parkway and the Base Realignment and Closure recommendations lead him to believe that acquiring this small portion of land at EPG, which would require Department of Defense, Environmental Protection Agency and Virginia Department of Environmental Quality review and approval, is no longer a feasible solution.

Given the proximity of Laurel Hill to the current site as well as transportation nodes, such as Interstate 95, Route 123 and Route One, establishing a Transportation Office in the Administration Building on the old Lorton Reformatory Site is sound reuse.

Therefore, Supervisor Hyland moved that the Board:

- Direct the County Executive to meet with Superintendent Dr. Jack Dale and Assistant Superintendent for Facilities and Transportation Dean Tistadt to enter into discussions to move the School Board

Transportation Office from Lorton Elementary School to a facility on Laurel Hill.

- Recommend to the School Board that the Lorton School site be listed as surplus property and that the money from the sale of the land be used to help build a South County Middle School.

Chairman Connolly seconded the motion.

Following discussion regarding the motion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by a vote of seven, Supervisor Gross and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

AGENDA ITEMS

59. **4:30 P.M. – PH ON THE NATIONAL REGISTER NOMINATION FOR THE PROPOSED DC WORKHOUSE AND REFORMATORY HISTORIC DISTRICT AT LAUREL HILL (MOUNT VERNON DISTRICT)**
(7:13 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Supervisor Hyland made the following announcement:

- Under federal regulations and Virginia State Code, the Virginia Department of Historic Resources (VDHR) is required to hold a public hearing on all National Register nominations within a specific time frame.
- The original date for the required hearing on this nomination was October 25. There will be no public hearing on October 25. VDHR has changed that hearing date to accommodate the Board public hearing.
- Holding the public hearing on October 25 would have required VDHR to send notices to surrounding property owners prior to today's Board public hearing. VDHR felt strongly that today's Board public hearing should be held prior to noticing property owners of its required public hearing.
- VDHR wanted the County process of today's public hearing to be completed prior to sending required notices.

- VDHR will hold the required public hearing on Monday, November 7 at 7 p.m. at the Government Center **ONLY IF** the Board endorses the nomination to move forward.
- If the Board elects to move forward with the nomination at the present time, VDHR will send the required notices tomorrow, October 18.

Linda Cornish Blank, Planner III, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report. She introduced Mr. David Edwards and Mr. Marc Wagner from VDHR; Ms. Adrian Fowler with John Milner Associates, the consultants who prepared the nomination; Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ; Chris Caperton, Planner, DPZ; and Jan Brody, Senior Assistant County Attorney.

Following the public hearing, which included testimony by 18 speakers, discussion ensued regarding the proposal with input from Mr. Wagner.

Supervisor Hyland moved to phase the National Register nomination for the proposed DC Workhouse and Reformatory Historic District so that it is separated into two phases and that the first phase be prepared for the Occoquan Workhouse and forwarded to the Virginia State Review Board for consideration at its March 2006 meeting and that the second phase of the nomination be prepared for the remaining area as identified in the current nomination and forwarded to the Virginia State Review Board at a date to be determined. He further moved to direct the Director of the Department of Planning and Zoning to consult with the Virginia Department of Historic Resources to determine the boundaries of each phase. This motion died due to lack of a second.

Supervisor Bulova moved approval of the staff recommendation as contained in the Board Agenda Item. The recommendation would accept and endorse the National Register nomination for the proposed DC Workhouse and Reformatory Historic District and forward it to the Virginia State Review Board for listing the proposed historic district in the Virginia Landmarks Register and would be a recommendation to support the listing of the area on the National Register of Historic Places. Supervisor Smyth seconded the motion.

Following additional discussion regarding the nomination, the question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Hyland voting “**NAY**,” Supervisor Frey being out of the room, Supervisor McConnell being absent.

60. **4:30 P.M. – PH TO EXECUTE A SECOND AGREEMENT AMENDMENT AND AMENDED RIDER TO LEASE WITH THE TOWN OF HERNDON TO SHARE EXPENSES FOR A NEIGHBORHOOD RESOURCE CENTER (DRANESVILLE DISTRICT)** (8:59 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Robin W. Patton, Regional Community Developer, Department of Systems Management for Human Services, presented the staff report.

Following the public hearing, Supervisor DuBois moved that the Board enter into the Second Agreement Amendment and Amended Rider to Lease with the Town of Herndon. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

61. **4:30 P.M. – PH FOR THE CREATION/ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE (DRANESVILLE, MASON, AND PROVIDENCE DISTRICTS)** (9:01 p.m.)

- (Rs) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Terry Czarny, staff, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor DuBois moved adoption of the Resolutions for the Dranesville, Mason, and Providence Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 12 Within Dranesville District (Montour Drive)	Create 27 Units	Leaf	Approve
Small District 13 Within Dranesville District (Elnido Estates Area)	Create 58 Units	Refuse and Recycling	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Small District (Lawton Street Area)	Enlarge 2 Unit	Refuse and Recycling	Approve
Local District 1A2 Within Small District 1 within Dranesville District (Treeline)	Enlarge 27 Units	Refuse and Recycling	Approve
Small District 4 within Dranesville District (Susquehannock Street Area)	Enlarge 27 Units	Refuse and Recycling	Approve
Small District 1 within Mason District (5711-A Center Lane)	De-Create/ Re-Create	Remove from Leaf	Approve
Small District 1 within Providence District (New Providence Village)	De-Create/ Re-Create	Remove from Leaf	Approve

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room, Supervisor McConnell being absent.

62. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON FORT DRIVE, EDGEHILL DRIVE, MONTICELLO ROAD, AND FARNSWORTH DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (LEE DISTRICT)** (9:04 p.m.)

Chairman Connolly announced that this public hearing was cancelled.

63. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO INCREASE THE INCOME AND ASSET ELIGIBILITY REQUIREMENTS FOR REAL PROPERTY TAX RELIEF TO CERTAIN ELDERLY AND DISABLED PERSONS** (9:04 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Kevin Greenlief, Director, Department of Tax Administration (DTA), presented the staff report.

Following the public hearing, which included testimony by two speakers, discussion ensued regarding the graduated scale, bias in favor of government retirees, the equity effect on young families, and assets versus income, with input from Mr. Greenlief.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), using the maximum fixed income and asset limits authorized by State law for elderly and disabled tax relief along with a graduated relief scale to become effective immediately. Vice-Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, Chairman Connolly, and Vice-Chairman Bulova voting "AYE," Supervisor Hudgins abstaining, Supervisor Frey being out of the room, Supervisor McConnell being absent.

A brief discussion ensued regarding the filing deadline extension, with input from Mr. Greenlief.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize this amendment. Without objection, it was so ordered.

Chairman Connolly moved that the Board direct the Director of DTA to provide notification to previously ineligible citizens that the Board has taken action to provide additional tax relief to the State maximum for senior citizens. Supervisor Kauffman seconded the motion.

Vice-Chairman Connolly returned the gavel to Chairman Connolly.

Following discussion, with input from Mr. Greenlief, Supervisor Gross asked unanimous consent that the Board direct staff to provide a distribution map showing the location of current participants in the tax relief program. Without objection, it was so ordered.

The question was called on the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

Supervisor Kauffman asked unanimous consent that the Board direct the County Attorney to review the issue of requesting an interpretation from the Attorney General regarding the fact that this benefit may not accrue to those who do not have fixed income retirement. Without objection, it was so ordered.

64. **5 P.M. – PH TO CONSIDER A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING EXISTING DRAINAGE DIVIDES** (9:38 p.m.)

(NOTE: Earlier in the meeting, the Board took action concerning drainage divides. See Clerk's Summary Item CL#32.)

Chairman Connolly announced the deferral of the public hearing to consider a proposed amendment to the PFM concerning existing drainage divides until **January 23, 2006, at 4:30 p.m.**

65. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (9:39 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by the following speaker:

- Mr. Bob Chase, regarding the report on the results of the Regional Transportation Survey.

NV:nv

ADDITIONAL BOARD MATTERS

66. **ENDORSEMENT OF EFFORT TO END HOMELESSNESS IN THE COUNTY** (9:50 p.m.)

(BACs) Jointly with Supervisor Hudgins, Chairman Connolly said that in its annual report the Council on Homelessness told the Board that the County has consistently had between 1900 - 2000 homeless persons over the past few years. Today this number includes more than 300 families with over 700 children, and 800 single adults, most of whom have chronic disabling conditions. In recognition of this ongoing challenge, the Board has taken many positive steps, including making the preservation of the affordable housing stock a priority, the creation of a new

homeless shelter named after former Chairman Katherine K. “Kate” Hanley, and a number of other actions to assist the population in need.

Chairman Connolly noted that as part of the ongoing efforts last year, the County Executive established a new process to address homelessness by merging the Homeless Oversight Committee with the broad community planning process under the Continuum of Care, which prepares the annual US Department of Housing and Urban Development (HUD) grant applications. A new Council on Homelessness was formed in 2004 and has begun to address homelessness with a more comprehensive, strategic planning approach. As part of that effort a planning group, the Planning Committee to End Homelessness, composed of staff from various departments, non-profits, the faith community, and others has now begun meeting to discuss development of a strategic plan to end homelessness in the County in the next ten years.

Chairman Connolly said that the Planning Committee to End Homelessness was formed as part of a national effort by HUD, which requires jurisdictions to include information on ten-year plans to end chronic homelessness as part of a HUD grant applications. To date, over 200 communities have developed such plans, including the Commonwealth of Virginia, and many localities in the metropolitan region. In recognition of this broad effort, the Washington Metropolitan Council of Governments will hold a conference on homelessness on October 25, the agenda for which he distributed to the Board. Fairfax has included elements of a plan in its annual HUD applications, but to be successful, the efforts of the Planning Committee to End Homelessness will need to be more comprehensive and have broad-based community support. The Planning Committee seeks Board endorsement of its efforts and hopes to have a plan to submit for Board approval by the end the summer of 2006. It is exploring methods of outreach to capture community input as it moves forward and would like to broaden its membership to include the business community and the civic and neighborhood associations in this effort.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and jointly moved with Supervisor Hudgins that the Board:

- Endorse these efforts and direct the Council on Homelessness to report to the Board on its efforts and submit a draft plan for the Board's consideration.
- Create two additional seats on the Planning Committee to End Homelessness for representatives of the Fairfax Chamber of Commerce and the Federation of Citizens Associations.

- Direct the County Executive to work with the committee on plans to hold a Homelessness Summit as part of the critical outreach that will make a strategic ten-year plan to end homelessness a representative and successful blueprint in this important effort.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

67. **UPDATE ON FAIRFAX FAMILIES CARE** (9:50 p.m.)

Chairman Connolly provided an update on the “Fairfax Families Care” program relating to assistance for Hurricane Katrina evacuees.

With reference to the low number of persons formally identified as being placed in jobs in the County, Chairman Connolly asked unanimous consent that the Board direct the County Executive to recheck the data. Without objection, it was so ordered.

68. **ADOPTION AWARENESS MONTH** (9:50 p.m.)

Chairman Connolly reminded the Board that November is nationally recognized as National Adoption Month in an effort to raise awareness about adoption, adoptive families, and children who need adoptive homes. Therefore, he asked unanimous consent that the Board proclaim November 2005 as “*Adoption Awareness Month*” in Fairfax County and direct staff to invite appropriate representatives and families associated with the Department of Family Services to be presented with the proclamation at the November 21, 2005, Board meeting. Without objection, it was so ordered.

69. **SOBRIETY CHECKPOINTS** (9:50 p.m.)

Chairman Connolly shared a success story regarding drinking and driving. Sobriety checkpoints are a high visibility enforcement tool to deter, as well as detect, impaired driving. The County has a checkpoint every week, year around. Since July 2003, the police have:

- Conducted 98 sobriety checkpoints.
- Screened more than 65,000 vehicles.
- Arrested 235 impaired drivers (*detection*).
- Visually exposed active DWI enforcement to more than 110,000 vehicles (*deterrence*).

Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives of the Police Department and the Office of the Commonwealth's Attorney to appear before the Board on November 21 to be recognized for their outstanding efforts.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule, Chairman Connolly amended his request to change the date to December 5.

A brief discussion ensued regarding the effort involved with a sobriety checkpoint.

Without objection, the request, as amended, was so ordered.

70. **REVISED PARKING STANDARDS** (9:52 p.m.)

Chairman Connolly said that the Board is reviewing parking requirements as part of an ongoing effort by staff. Therefore, he moved that, as part of the review of the County's parking requirements, staff review the options which would give builders opportunities to reduce impervious surface and employ measures as part of parking facilities which would reduce stormwater runoff as well as to examine parking standards related to distinctions between transit-oriented and non-transit-oriented developments. Supervisor Smyth seconded the motion.

Supervisor Smyth asked to amend the motion to review maximum parking requirements also, and provide recommendations. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

71. **RECOGNIZING AND HONORING 20-YEAR CONNECTOR EMPLOYEES** (9:54 p.m.)

Chairman Connolly announced that the Fairfax CONNECTOR bus will be celebrating its twentieth anniversary over the next year. Therefore, he asked unanimous consent that the Board direct staff to invite those employees of the Fairfax CONNECTOR who have been with the service since its inception and any others, as appropriate, to appear before the Board and be recognized for their role in the system's success. Without objection, it was so ordered.

72. **SMILE PROGRAM RECOGNITION** (9:54 p.m.)

Chairman Connolly noted that thanks to initiatives such as online and telephone bill payments and advance automobile decal mailings, the Department of Tax Administration (DTA) has continually reduced the need for many citizens to

come to the Government Center to pay their taxes in person. This saves the citizens time and effort, and saves the County administrative overhead costs. Nevertheless, some citizens still choose to come to the Government Center to pay their personal property taxes, and thanks to DTA's SMILE Program and a legion of staffers aiding the citizens, that process was smooth and successful, serving roughly 20,000 customers at the cashiers counter and express tables from October 3 to October 5.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite Kevin Greenlief, the Director of the DTA, and appropriate colleagues to appear before the Board with various representatives of the SMILE program, to be recognized for their dedicated work to ensure the high quality of service that County citizens expect and deserve. Without objection, it was so ordered.

73. **POTENTIAL INFLUENZA PANDEMIC PREPARATION** (9:55 p.m.)

(NOTE: Earlier in the meeting, the Board made reference to preparations for a pandemic. See Clerk's Summary Item CL#16.)

Chairman Connolly acknowledged that there has been much media attention focused on the possibility of an influenza pandemic. No one can predict when the next pandemic will occur or what the new virus may be; however, scientists from around the world are watching the H5N1 avian (bird) influenza situation in Asia in which bird-to-person is the normal mode of transmission. Experts are preparing for the possibility that this virus could develop the ability to efficiently spread from person-to-person. As noted in the written Board Matter as distributed, if this were to happen, they predict that if 35 percent of Virginians become ill with flu, it could result in 1.08 million to 2.52 million people becoming sick, 12,000-28,500 hospitalizations and up to 6,300 deaths. The Fairfax County Health Department (FCHD) Emergency Operations Plan (EOP) addresses how to respond to specific situations, as they relate to pandemic influenza. The plan will be periodically reviewed and updated to ensure that information contained within the document is consistent with current knowledge and changing infrastructure. Priorities of FCHD during pandemic influenza will be to assure the continuation and delivery of essential public health services while providing for the emergency needs of the population.

Therefore, Chairman Connolly moved that the Board direct the:

- County Executive to report with a conceptual plan for how the County would respond in the face of a pandemic similar to the Influenza Epidemic of 1918, including monitoring systems and a plan for determining if indeed a pandemic has arrived, instructions for workers about attendance, availability of vaccines and a timeline in which they could be administered, as well as a plan to

instruct the public on the steps they should take in the event such a tragedy should occur.

- Health Department to work with the Facilities Management Division to ensure that appropriate literature about flu prevention measures is placed in all government buildings.

Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Chairman Connolly noted that he distributed the FCHD Emergency Operations Plan, and indicated that his motion went beyond the FCHD to the management of County government.

Following discussion regarding the flu, Supervisor Smyth asked unanimous consent that the Board review the failings during the swine flu episode. Without objection, it was so ordered.

Supervisor DuBois asked unanimous consent that the Board direct staff to include the Citizen Medical Corps in the response. Without objection, it was so ordered.

74. **MIRANT FACILITY – AIR POLLUTION COMPLIANCE** (9:48 p.m.)

Chairman Connolly noted that with regard to the closure of the Mirant Facility in the City of Alexandria and its subsequent reopening by the private firm that operates it, that there are serious issues regarding the particulate matter it emits to the environment and its effect on the public health of the region.

Jointly with Supervisor Gross, Chairman Connolly moved that the Board send the *revised* version of the letter that was contained in his written Board Matters to the Virginia Department of Environmental Quality urging that the Mirant power generating plant be operated within limits set by the Clean Air Act and that it meet National Ambient Air Quality Standards, or shut down. Supervisor Gross seconded the motion.

Following discussion regarding the necessity of the plant for only the next 18 months, the question was called on the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

75. **COUNTY VEHICLE FLEET REDUCTIONS** (10:02 p.m.)

Chairman Connolly reminded the Board that, through the direction of the Board's Audit Committee, the County has undertaken a review of low-mileage vehicles to manage a reduction in the vehicle fleet. Through the actions of the County's Fleet

Utilization Management Committee and the Audit Committee, the County has turned in a total of 157 low-mileage vehicles over the first two fleet reviews, for a total savings of roughly \$2 million. In addition, due to reduced maintenance costs associated with a reduced vehicle fleet, this policy will result in recurring yearly savings of roughly \$300,000.

Chairman Connolly said that the Fleet Utilization Management Committee will review the County's vehicle needs yearly to ensure that the County vehicle fleet contains only those vehicles absolutely necessary to meet governmental responsibilities as part of the Board's ongoing efforts to provide County services as efficiently and cost-effectively as possible.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide data regarding the total number of SUVs in the fleet, both public safety and non-public safety. Without objection, it was so ordered.

76.

**APPROVAL OF A PLAIN ENGLISH EXPLANATION ON THE
ISSUANCE OF BONDS TO FUND IMPROVEMENTS TO THE FAIRFAX
COUNTY PUBLIC SCHOOLS** (10:02 p.m.)

Chairman Connolly reminded the Board that at its last meeting on September 26, it considered the issuance of a plain English explanation of the issuance of bonds for the Schools. He noted that the per capita cost in the item was misleading. The Board requested that certain revisions be made, and the County Attorney prepared a revised explanation for the forthcoming referendum. Staff recommends that the Board authorize the printing and distribution of this revised explanation in sufficient copies to make it available at County polling places for absentee voters prior to November 8, 2005, and at all polling places during the referendum on November 8, 2005. Staff also recommends that copies of the explanation be printed on distinctive yellow paper so that they will be readily recognizable to poll workers and voters.

Chairman Connolly moved that the Board:

- Approve the staff recommendation and authorize the publication of the revised explanation as contained in his written Board Matter.
- Direct staff to prepare non-English translations of this explanation that can be distributed as appropriate.

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

77. **REQUEST FOR EXPEDITED PUBLIC HEARING FOR REZONING APPLICATION RZ 2005-SP-012 (SPRINGFIELD DISTRICT)** (10:03 p.m.)

On behalf of Supervisor McConnell, Chairman Connolly said that the applicant, Jeffrey A. Goldberg, Manager of BoBud Residential, requested an expedited Board public hearing date for Rezoning Application RZ 2005-SP-012.

Therefore, on behalf of Supervisor McConnell, Chairman Connolly moved that the Board direct staff to schedule a public hearing to be held before the Board on November 21, 2005, on Rezoning Application RZ 2005-SP-012. This motion does not relieve the applicant from complying with regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

78. **NO BOARD MATTERS FOR SUPERVISOR DuBOIS (DRANESVILLE DISTRICT)** (10:04 p.m.)

Supervisor DuBois announced that she had no Board Matters to present today.

79. **REQUEST FOR CONCURRENT PROCESSING OF SITE PLAN IN CONNECTION WITH SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2004-MA-022 (AMERADA HESS) (MASON DISTRICT)** (10:05 p.m.)

Supervisor Gross said that Special Exception Amendment Application SEA 2004-MA-022 was recently filed with staff to correct a minor oversight regarding the dedication of a small section of right-of-way in front of the subject property, the Hess gas station in Annandale. She noted that no other changes to the application are proposed, and the application is within the Annandale Commercial Revitalization District.

Therefore, Supervisor Gross moved:

- Approval of concurrent processing for the property which is associated with Special Exception Amendment Application SEA 2004-MA-022.
- That the Board direct the Department of Public Works and Environmental Services to accept and review the site plan submissions pertaining to this property.

This motion should not be construed as a favorable recommendation on this application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

80. **EXPEDITED AND CONCURRENT PROCESSING CLAUDE MOORE HEALTH EDUCATION CENTER – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-14 (PROVIDENCE DISTRICT)** (10:06 p.m.)

Supervisor Smyth noted that she previously presented Board Matters regarding the Claude Moore Health Education Center, but that the application number was incorrect. The written Board Matter, which she distributed to the Board, noted that she has been informed by representatives of Inova that during the preparation of the final building plans for the proposed Claude Moore Health Education Center on the Inova Fairfax Hospital Campus, it was determined that an additional floor must be added to the building that the Board approved in November 2004. Planning staff has concluded that this revision necessitates a special exception amendment.

Inova has filed Special Exception Amendment Application SEA 80-P-078-14 to address this additional floor. Given the time constraints to commence construction of the Education Center, it has been concluded that the requisite site and building plans must be filed and reviewed by the County while the special exception amendment application is being processed.

Therefore, Supervisor Smyth moved that the Board:

- Direct staff to schedule a public hearing to be held before the Board for the earliest possible date for Special Exception Amendment Application SEA 80-P-078-14.
- Approve concurrent processing for both the site and building plans for this proposed building while the special exception amendment application is being processed.

This motion does not prejudice in any way the consideration this application nor does it relieve the applicant from compliance with the provisions of all the applicable ordinances, regulations or adopted standards. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

81. **RETT SYNDROME (RS) AWARENESS MONTH** (10:07 p.m.)

Supervisor Smyth said that RS is a neurodevelopmental disorder predominantly seen in females. It is one of the leading causes of cognitive impairment in females and occurs approximately once in 10,000 to 15,000 live female births. RS has intriguing similarities to autism, which is found much more frequently in males. Since 1999, it has been known that RS is caused by a gene mutation that inhibits normal development of selected regions of the brain responsible for motor, autonomic, sensory and emotional functions. After apparently normal development for the first 6-18 months of life, the impact of the genetic mutation disrupts development, causing a dramatic loss of physical and communication skills which leads to severe and multiple handicaps, usually by the age of three years. RS is not limited to, or more prevalent in, one particular race or geographic region and it invades every social-economic level.

Families with children who have RS face many challenges learning to cope with seizures, physical therapy, braces and wheelchairs, feeding tubes, mounting medical bills, and relentless procedural and policy problems with many institutions including those concerning health insurance, education, housing and social services. There may be 200,000 girls and women worldwide who have RS. More information about combating RS and contributing to a cure may be found through the RS Association at 1-800-818-RETT or the website at www.rettsyndrome.org.

Therefore, Supervisor Smyth asked unanimous consent that the Board:

- Declare October as "*Rett Syndrome Awareness Month*" in Fairfax County.
- Direct the Office of Public Affairs to publicize information about this little known but devastating disease through a news release, the County website, and the Channel 16 bulletin board.

Without objection, it was so ordered.

Supervisor Smyth distributed literature to the Board.

82. **RESTON CENTER FOR INDUSTRY AND GOVERNMENT (RCIG)
(HUNTER MILL DISTRICT)** (10:10 p.m.)

- (R) Supervisor Hudgins said that in May of 2001, the Board adopted changes to the Comprehensive Plan allowing residential and mixed-use development around future transit station areas. To implement the new Comprehensive Plan changes, current restrictions within the RCIG that prohibits any dwelling house of any kind, mobile house, hotel, rooming house, tourist house, or any other place of human habitation, must be amended. Reston Association has diligently worked to

amend the covenants, which require the owners of 90 percent of the land to vote in support of the change. On October 27, 2003, the Board, as property owners of Parcel 17 A, Tax Map 17-4 ((1)), voted to change the RCIG covenants.

Supervisor Hudgins moved adoption of the Resolution reaffirming its support for amending the covenants of the RCIG to permit residential and retail uses to allow the implementation of the Comprehensive Plan to achieve the long held vision of mixed-use transit villages around the transit stations. Chairman Connolly seconded the motion.

Following a brief discussion, the question was called on the motion, and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room, Supervisor McConnell being absent.

83. **REQUEST FOR CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-H-060 (HUNTER MILL DISTRICT)** (10:11 p.m.)

Supervisor Hudgins said that the applicant for Special Exception Amendment Application SEA 93-H-060 for Commerce Bank is requesting that the Board approve concurrent processing of its site plan so that staff will accept and review the site plan submission while the special exception amendment application is being processed.

Therefore, Supervisor Hudgins moved that the Board direct staff to review and process the site plan concurrent with the staff's review of pending Special Exception Amendment Application SEA 93-H-060. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

84. **HOUSING COMMITTEE** (10:12 p.m.)

(R)(BACs) Supervisor Hudgins said that the Housing Committee met on Friday, October 14, 2005, and received a presentation on the topic "Developing Workforce Housing in Fairfax County." The presentation advanced the discussion of providing affordable or workforce housing in high rise buildings. The presentation concludes, given the right market conditions and other variables in the development of high rise buildings, on a case by case basis it appears feasible to provide workforce housing in high rise buildings.

Supervisor Hudgins added that the presentation also included a proposal on the use of the rezoning process as a means to provide additional workforce housing and as a source of support for the cost of the ongoing need of workforce housing.

Upon the recommendation of the Housing Committee, Supervisor Hudgins moved adoption of the Resolution in support of the Board's continued commitment of providing workforce housing throughout the County. Chairman Connolly seconded the motion.

Following discussion regarding similar action regarding mid rise buildings that included an ordinance amendment and how this new action would be binding, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room, Supervisor McConnell being absent.

85. **RESTON COMMUNITY CENTER BOARD OF GOVERNORS (HUNTER MILL DISTRICT)** (10:17 p.m.)

(BACs)
(APPTS)

Supervisor Hudgins said that on October 15, 2005, the Reston Community Center held its annual preference poll election for its Board of Governors. The following individuals were elected to serve three-year terms on the Reston Community Center Board of Governors:

- Ms. Mary Buff
- Mr. Kevin Deasy
- Mr. George Lawton
- Mr. Peter von zur Muehlen was elected to fill the unexpired term of Mr. Carl Levine which expires in November 2006.

Therefore, Supervisor Hudgins moved that the Board confirm the appointment of the above individuals to serve on the Reston Community Center's Board of Governors so that they can be seated at the next Board of Governors meeting. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

86. **RESTON COMMUNITY CENTER'S CENTERSTAGE PUBLICATION WINS REGIONAL AWARD (HUNTER MILL DISTRICT)** (10:18 p.m.)

Supervisor Hudgins said that the primary purpose of the CenterStage publication is to market the Professional Touring Artist Series at the Reston Community

Center's theater, the CenterStage. It is the CenterStage's principal marketing tool and it enhances the Reston Community Center's image and mission as an arts presenter in the community.

Supervisor Hudgins noted the work of Cindy Fortuno, Graphic Designer, and Performing and Fine Arts Director, Leila Gordon - the two Reston Community Center staff members who wrote and designed the CenterStage Publication. She added that the Virginia Recreation and Park Society recognized the CenterStage's 2004-2005 Professional Touring Artist Series Brochure as Best Promotional Effort For Basic Promotional Piece.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. Fortuno and Ms. Gordon to appear before the Board on December 5, 2005, to be recognized for their achievement. Without objection, it was so ordered.

87. **SKATE FOR KATRINA (HUNTER MILL DISTRICT)** (10:19 p.m.)

Supervisor Hudgins said that the Park Authority's 2004 Needs Assessment clearly demonstrates support for building additional skates parks around the County to provide safe, high quality, local, public skating venues.

On Saturday, October 29, from 11 a.m. – 4 p.m., Hunter Mill District will be sponsoring a special event, Skate for Katrina, in partnership with the County Park Authority, County Park Foundation, Reston Community Center, the Reston Association, America-in-Line Skating and EnviroSolutions, Incorporated. Its purpose is two-fold:

- To re-enforce and continue the commitment to construct an engaging, challenging recreational facility - a skate park in Hunter Mill District.
- To offer an opportunity for young people to contribute to the Katrina relief effort in a way that matches their ability to give.

Supervisor Hudgins invited everyone to attend.

PMH:pmh

88. **OLANDER AND MARGARET BANKS COMMUNITY PARK (LEE DISTRICT)** (10:19 p.m.)

Supervisor Kauffman said that the Banks Family is celebrating the generosity and community spirit of their patriarch, Olander Banks, on Tuesday, October 18 with a dedication ceremony marking the future site of the Olander and Margaret Banks Community Park on the tract of land that has been the family home since 1957.

The property located 7400 Old Telegraph Road is near the corner of Old Telegraph Road and Hayfield Road and is a wonderful addition to the County's park holdings and open space. This ten acre parcel is also the only parcel that fronts Old Telegraph Road between its intersection with Hayfield Road and Telegraph Road.

To recognize and thank Mr. Banks for his generosity and contributions to the community, Supervisor Kauffman moved that the Board direct appropriate agencies including the Department of Transportation and the Park Authority to investigate the feasibility of renaming a portion of Old Telegraph Road (from Hayfield Road to Telegraph Road) to Banks Road or naming a future park access road to the property Banks Road. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

89. **TOUR DE LEE (LEE DISTRICT)** (10:21 p.m.)

Supervisor Kauffman asked unanimous consent that the Board direct staff to publicize the sixth annual Tour de Lee bicycle event scheduled for October 30. Without objection, it was so ordered.

90. **EXPEDITED REVIEW FOR SAINT MARY OF SORROWS SITE PLAN REVISION (BRADDOCK DISTRICT)** (10:21 p.m.)

Supervisor Bulova said that Saint Mary of Sorrows, located on Sideburn Road, has recently developed an adjacent ten-acre parcel to alleviate a long standing on-street parking problem and to provide a site ready area for future development. As a result of this work and the accompanying frontage improvements on Sideburn Road, offsite storm water drainage problems are occurring at Longwood Grove, a residential community across the street from Saint Mary's.

To correct the erosion problem along a County trail located on Longwood Grove's open space and establish adequate outfall, Saint Mary's engineers will be submitting a revision to the approved site plan to solve this problem along with a revised landscape plan where there was a utility taking on Saint Mary's property.

To move this forward expeditiously, Supervisor Bulova moved that the Board direct staff to expedite the review of all revisions, plats, easements and any other documents related to the completion of this project. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

91. **RESOLUTION IN RECOGNITION OF THE SACRIFICES MADE BY AMERICAN VETERANS TREE PLANTING CEREMONY** (10:21 p.m.)

(R) (BACs) Supervisor Bulova said that American veterans have made tremendous sacrifices, placing themselves selflessly in harm's way to protect the country. Many American veterans, some of whom are County residents, have been injured on the battlefields, others have lost their lives.

In recognition of these many sacrifices, the Tree Commission has requested that the Board give consideration to a resolution that will recognize American veterans. The Tree Commission's resolution requests the following:

- The adoption of a unified symbol of dark blue and gold ribbons, the dark blue recognizing those that have served (past and present) and the gold recognizing those that have given their lives in battle.
- Encouragement to citizens, business owners, and organizations to adopt this unified symbol.
- The placement of blue and gold ribbons on a tree on the property of citizens, business owners, and organizations.
- Planting of a native tree by citizens, business owners, and organizations on their property on Veterans' Day, November 11, 2005, and placement of blue and gold ribbons on these trees at the time of their planting.

The Tree Commission requested that Urban Forestry staff plant a flowering dogwood, *Cornus florida*, the Virginia State tree and flower, at the Government Center to honor County veterans.

Therefore, Supervisor Bulova moved adoption of the Resolution and that Board Members join the Tree Commission at the aforementioned ceremony. Supervisor Kauffman seconded the motion.

Supervisor Gross suggested that the Board and the Tree Commission encourage that the ribbons be removed or replaced when they are worn or disintegrated.

The question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room, Supervisor McConnell being absent.

92. **LOOK BACK AT BRADDOCK – TOWN MEETING (BRADDOCK DISTRICT)** (10:26 p.m.)

Supervisor Bulova announced that on Wednesday, October 19, 2005, at 7:30 p.m., at the Kings Park Library community room, her office will host the final episode of the mini-series “A Look Back at Braddock,” a history project that began last fall. She added that there will be a video production and a sneak preview of the maps that show the early years of the Braddock District, and information on a book to be published and distributed in the spring of 2006.

93. **MOUNT VERNON GAZETTE LETTER TO THE EDITOR: SENIORS NEED TAX BREAK (MOUNT VERNON DISTRICT)** (10:27 p.m.)

(NOTE: Earlier in the meeting the Board took action regarding tax relief. See Clerk’s Summary Item CL#63.)

Supervisor Hyland said that in a September 29, 2005, letter to the editor in the *Mount Vernon Gazette*, a Mount Vernon District constituent and former member of the General Assembly, requested that the Board “increase the limits of tax relief annually as specified in [Virginia Code] Section 58.1-3211.” In subdivision 1a, the enabling legislation gives counties the option of using the “median adjusted gross income of its married residents.” Furthermore, the letter asks that the Board enact an ordinance that annually adjusts the limits of tax relief permitted by the Commonwealth without public hearing or Board action.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this issue to staff for review and to report with their recommendations. Without objection, it was so ordered.

94. **UNSAFE UTILITY INSTALLATION LOCATED AT 7413 RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (10:28 p.m.)

Supervisor Hyland said on September 29, 2005, his office received a complaint from a business owner located at 7413 Richmond Highway that a subcontractor for Dominion Power installed a utility pole directly in the middle of his business’ entrance. This prompted staff to surround the pole with traffic barrels and lights to make it slightly safer. After further review, the utility pole was installed in the Virginia Department of Transportation’s (VDOT) right-of-way where a new curb and acceleration lane is yet to be installed. However, staff never received or reviewed a copy of the new site plan, which was approved and permitted by VDOT.

This oversight could have led to a serious accident and cost the business owner an entrance to his automotive repair shop. Had staff been informed, this potentially dangerous situation could have been averted.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to review the procedures for site plan submission and the County's coordination with the VDOT and Dominion Power and report with their findings and recommendations. Without objection, it was so ordered.

95. **ADMINISTRATIVE WAIVERS** (10:30 p.m.)

Supervisor Hyland said that the Mount Vernon District, as well as other older communities in the County, does not have amenities such as curb and gutter or sidewalks that is required of more recent developments. He added that increasingly, he hears concerns from constituents that staff grants waivers for sidewalks, trails, storm water detention, and best management practices in neighborhoods where civic and homeowners associations have passed resolutions asking that the County construct or require these very amenities that staff has waived.

While some of these waivers have been granted because it makes good engineering or scientific sense, often times the community's perception has been that getting a waiver is more the rule than the exception. In Mount Vernon, there is a patchwork sidewalk system, trails that abruptly end, creeks that flood due to a lack of storm water detention, and infill development washing out adjoining homeowner's properties and destroying the character of neighborhoods due to waivers being administratively granted.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to:

- Provide him with a list of all waivers that are administratively granted by staff, the number of waivers that have been granted in the last five years in the Mount Vernon District broken down by type, and what criteria is used in determining whether staff grants a waiver.
- Investigate and report with what the current requirement is for infill development waiver notification and what changes to current legislation and Code of the County of Fairfax would be required for applicants to notify all abutting property owners of infill development waiver requests.

Supervisor Smyth seconded the motion.

Following a discussion regarding the waivers, the question was called on the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

96. **REQUEST FOR PUBLIC HEARING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2004-MV-041 AND SPECIAL EXCEPTION APPLICATION SE 3004-MV-035 (MOUNT VERNON DISTRICT)** (10:34 p.m.)

- (A) Supervisor Hyland moved that the Board direct staff to schedule a public hearing to be held before the Board on Rezoning/Final Development Plan Applications RZ/FDP 2004-MV-041 and Special Exception SE 2004-MV-035 on **November 21, 2005 at 3:30 p.m.** This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations or adopted standards and does not constitute support by the Board for this application. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

97. **APPOINTMENT TO THE HUNTER MILL ROAD AREA SPECIAL STUDY TASK FORCE** (10:36 p.m.)

- (APPT) (NOTE: Earlier in the meeting, the Board deferred this appointment to the Task Force. See Clerk's Summary Item CL#39.)

Supervisor Hudgins moved the appointment of Mr. James Barrett as the Hunter Mill District Representative to the Hunter Mill Road Area Special Study Task Force. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

98. **BOARD ADJOURNMENT** (10:37 p.m.)

The Board adjourned.

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